

light receiving layer, wherein the light receiving element is a photoconductive type light receiving element, the light receiving layer is a first conductivity type i layer, and the electrode formed on the light receiving surface is an ohmic electrode of one polarity, which element comprising an ohmic electrode of the other polarity formed on the other surface of the light receiving layer directly or via a first conductivity type and low resistance GaN group semiconductor layer.

## REMARKS

### *The Present Invention*

The present invention relates to a light receiving element comprising a GaN group semiconductor material.

### *The Pending Claims*

Claims 2-12 are currently pending. Reconsideration of the pending claims is respectfully requested.

### *The Amendments to the Claims*

The claims have been amended to more particularly point out and distinctly claim the present invention. In particular, claims 2 and 8 have been amended to appear in independent form by incorporating the features of claim 1. Claim 1 has been canceled. No new matter has been added by way of these amendments. The precise changes to the claims and the pending claims, as amended, are set forth on an attachments hereto.

### *Summary of the Office Action*

Claims 1-12 are rejected under 35 U.S.C. § 102(e) as being anticipated by JP 11-195810 (Tadao).

### *Discussions of the Rejection*

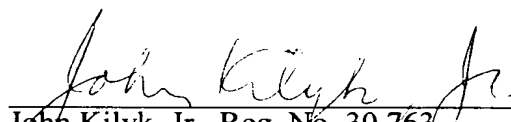
The Tadao reference is not proper prior art under section 102(e) because it is not a U.S. patent or patent application and it is not a PCT application published in the English language. The Tadao reference was published on July 21, 1999. The instant application has an effective U.S. filing date of September 13, 1999, which is the filing date of the PCT application designating the U.S. Therefore, the Tadao reference can only be considered prior art under section 102(a).

However, the instant application claims the benefit of priority to two Japanese applications: JP 265506 and JP 265516, both filed September 18, 1998. Certified English translations of both priority documents are enclosed herewith. The translations serve as evidence that the pending claims are entitled to the filing date of September 18, 1998. For example, independent claim 2 is supported by JP 265506 as evidenced by the disclosure at, for example, page 1, lines 6-16, of the English translation of JP 265506, and independent claim 8 is supported by JP 265506 as evidenced by the disclosure at, for example, page 1, lines 4-13, of the English translation of JP 265516. Therefore, since the instant application has a priority date before the publication date of the Tadao reference (i.e., July 21, 1999), the Tadao reference cannot be considered prior art under section 102. Applicants respectfully request that the rejection be withdrawn.

*Conclusion*

The application is considered to be in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

  
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Date: March 4, 2002

**CERTIFICATE OF MAILING**

I hereby certify that this RESPONSE TO OFFICE ACTION (along with any documents referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231.

Date: March 4, 2002  
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